

## EXHIBIT A

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U.S. BANKRUPTCY COURT

5

EASTERN DISTRICT OF NEW YORK (BROOKLYN)

6

BANKRUPTCY PETITION #: 1-19-43558-cee

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x

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9

November 4, 2019  
10:57 a.m.

10

11

26 Court Street  
Brooklyn, New York

12

13

**EXAMINATION OF VLADIMIR BINKEVICH**, the

14

Debtor in the above-entitled action, held at  
the above date, time and place, pursuant to  
Order, taken before Olga Raptis, a Reporter  
and Notary Public of the State of New York.

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2 A P P E A R A N C E S:

3

4 WINDELS MARX LANE & MITTENDORF, LLP

5 Trustee

6 156 West 56th Street

7 New York, New York 10019

8 BY: ALAN NISSELSON, ESQ.

9

10

11 LAW OFFICES OF RACHEL BLUMENFELD

12 Attorney for Creditors

13 26 Court Street

14 Suite 2220

15 Brooklyn, New York 11242

16 BY: RACHEL BLUMENFELD, ESQ.

17

18

19 LAW OFFICES OF ALLA KACHAN

20 Attorneys for Debtor

21 3099 Coney Island Avenue

22 3rd Floor

23 Brooklyn, New York 11235

24 BY: ALLA KACHAN, ESQ.

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3

2 ALSO PRESENT:

3 VIKTOR GUBENKO

4 GARY GORBAKOVSKY (via phone)

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V L A D I M I R        B I N K E V I C H,  
the witness herein, having been  
first duly sworn by a Notary Public  
of the State of New York, was  
examined and testified as follows:

3

BY THE REPORTER:

4

Q. Please state your name for the  
record.

5

A. Vladimir Binkevich.

6

Q. Please state your address for the  
record.

7

A. 428 Ovington Avenue, Apartment 3A,  
Brooklyn, New York 11209.

8

MS. BLUMENFELD: Are we  
agreed that all objections, except  
to the form of question, can be  
reserved to time of trial, if there  
is a trial on this?

9

MS. KACHAN: I would like to  
put them on the record for them to  
be known.

10

MS. BLUMENFELD: And then he  
will answer the question?

11

MS. KACHAN: Unless

1                             *Vladimir Binkevich*                             5  
2                             something's extraordinary, yes.

3                             MS. BLUMENFELD: Unless it's  
4                             attorney/client privilege, I think  
5                             that he has to answer the  
6                             questions.

7                             MS. KACHAN: Rachel, like I  
8                             said, I'll put it on the record and  
9                             we'll go on from there.

10                          MS. BLUMENFELD: Good  
11                          morning.

12                          We met before. My name is  
13                          Rachel Blumenfeld. As you know, I  
14                          represent three creditors: Victor  
15                          Gubenko, Edward Gorbakovsky and  
16                          Gary Gorbakovsky.

17                          THE WITNESS: Yes, I do.

18                          MS. BLUMENFELD: I'm going  
19                          to ask you some questions.

20                          First of all, I would like  
21                          to know, are you on any medication  
22                          that would prohibit you from being  
23                          able to testify honestly today?

24                          THE WITNESS: I don't know  
25                          which medications prohibit.

1

Vladimir Binkevich

6

2

Yes, I do take some  
medication regarding blood  
pressure, regarding beta blockers,  
but I don't know.

6

What do you mean by prevent  
me to being here?

8

MS. BLUMENFELD: No, prevent  
you from answering. Prevent you  
from answering honestly or --

11

THE WITNESS: No, no, no.

12

MS. KACHAN: If anything  
affects your cognitive ability.

14

THE WITNESS: No.

15

MS. BLUMENFELD: Nothing  
like that, okay.

17

Are you fluent in English?

18

THE WITNESS: I hope so.

19

MS. BLUMENFELD: If there is  
any question that I ask that you  
don't understand, it's very  
important that you ask me to  
rephrase it or just to ask it  
again. I do not want you answering  
any questions that you don't

1                             *Vladimir Binkevich*                             7  
2 understand.

3                             Okay?

4                             THE WITNESS: Yes.

5                             MS. BLUMENFELD: Have you  
6 ever been deposed before?

7                             THE WITNESS: No.

8                             MS. BLUMENFELD: I'm going  
9 to go over a few ground rules here.

10                          First of all, she is  
11 recording everything. So all the  
12 answers have to be audible. So yes  
13 or no, as you've been doing, are  
14 the answers. You cannot shake or  
15 nod your head.

16                          Okay?

17                          THE WITNESS: Yes.

18                          MS. BLUMENFELD: If you need  
19 to use the bathroom or talk to your  
20 lawyer, you can ask for a break.

21                          If there's a question that's  
22 pending during that time, I would  
23 just ask that you first answer the  
24 question before then.

25                          Okay?

1

Vladimir Binkevich

8

2

THE WITNESS: Yes.

3

EXAMINATION BY

4

MS. BLUMENFELD:

5

Q. Did you go to college?

6

A. Yes.

7

Q. Where did you go?

8

A. In Ukraine.

9

Q. Did you graduate?

10

A. Yes, I did.

11

Q. What degree do you have?

12

A. Master's Degree in Computer

13

Science.

14

Q. Did you go to any graduate school?

15

A. There is different system of

16

education in Ukraine, so I did not need to.

17

We have five years college in our university

18

so after graduating five years college, we

19

get a Master's Degree.

20

Q. Do you have any education in the  
United States or was all of the education in  
the Ukraine?

23

A. Some training or some training --  
yes, I do have.

25

Q. Some training in the United States?

Vladimir Binkevich

9

2           A.     Yes.   But it's two, three days. I  
3     don't know if you need information about  
4     that.

5 Q. No, that's fine.

6                   When did you start working? Did  
7        you start working in Ukraine or in the United  
8        States?

9                   A.       Ukraine, of course.

Q. How long ago was that?

14 Q. What was your title when you were  
15 working in the Ukraine from 1978 till 1993?

16 A. Programmer analyst.

17 Q. When you came to the United States,  
18 when was that? What year was that?

A. It was 1993.

Q. Did you start working right away?

21 A. No. I started in 1994.

22 Q. What did you do?

A. I became programmer analyst

24 9. Where did you work in 1994?

25 A. The name of the company was Reinhart

Vladimir Binkevich

10

2 (phonetic). It was IT subsidiary of Japanese  
3 shipping company.

4 Q. How long did you work there?

5           A. I work over there two years. Then  
6 I make a break. I went as AVP to Citibank  
7 from 1996 to 1997. Then at 1997, I start to  
8 work for Japanese company Mitsui, two  
9 subsidiaries for IT. Mitsui MOL IT America  
10 and MOL IT Asia. I used to work for MOL IT  
11 America starting 1996 until 2016.

Q. So just to be clear here, you had said that you had worked for Citibank between '96 and '97?

15 A. Correct, one year.

Q. And then '96, it had overlapped  
this other job?

18                   A.     No, no. I used to work for Reinhab  
19                   '94 to '96. To Citibank from '96 to '97. I  
20                   was wrong. In '97, I start to work IT  
21                   America.

Q. Until 2016, correct?

23 A. 2016, yes.

24 Q. What was your title there?

25 A. Last title was Assistant Project

1

Vladimir Binkevich

11

2

Leader.

3

Q. And what was your compensation when  
you left there?

5

A. One week for a year, so twenty  
weeks. I don't remember the number, but it  
was twenty weeks' salary.

8

MS. KACHAN: I think she's  
asking what was your salary at the  
time.

11

A. Oh, 120K.

12

Q. Were you entitled to any bonuses  
there?

14

A. Yes, I was.

15

Q. What were your bonuses?

16

A. Between 5 and 7K yearly bonus.

17

Q. And then what happened in 2016 when  
you left?

19

A. It was in newspapers. Three major  
Japanese company, MOL, NYK and K Lines  
decided to join their computer departments  
and instead of three IT companies, they  
needed only one. And not with my luck, not  
our IT company was taken to the joined  
company and I was laid off.

1                             *Vladimir Binkevich*

12

2           Q.     How long were you laid off for?

3           A.     One and a half months.

4           Q.     Then where did you go?

5           A.     After this.

6           Q.     Yes.

7           A.     I found another job. The company  
8         name was NPD. It was in Fort Washington in  
9         Long Island and my title over there was  
10      consultant.

11        Q.     And what was your compensation for  
12      the year?

13        A.     It was hourly compensation because  
14      I was consultant. It was -- originally for  
15      first year it was 55 per hour and then it  
16      became 61 after one year.

17        Q.     When were you there, for how long?

18        A.     I was there from February 1917  
19      until --

20                             MR. NISSELSON: You mean  
21                             2017?

22                             THE WITNESS: Yes. I'm so  
23                             sorry. I'm so sorry.

24        A.     I was there from February 2017  
25      until June 2018.

1                             *Vladimir Binkevich*

13

2           Q.     And where did you go from there?

3           A.     From there I got another job.

4           Q.     When did you get the other job?

5           A.     I started June 2016 -- 2018.

6           Q.     Where was that?

7           A.     Location or name.

8           Q.     The name.

9           A.     The name was Consulting Company  
10              Randstan, R-A-N-D-S-T-A-N, as a consultant.

11           Q.     As a consultant?

12           A.     Yes.

13           Q.     What was your compensation there?

14           A.     It was \$64.18 per hour.

15           Q.     Were you entitled to any bonuses?

16           A.     No.

17           Q.     Are you still there right now?

18           A.     No. I was converted to full-time  
19              employee because --

20           Q.     At the same place?

21           A.     No, no, no. The client of Randstan  
22              was CVS and I was converted to full-time  
23              employee in CVS.

24           Q.     When was that?

25           A.     I think March 2019.

Vladimir Binkevich

14

Q. How much are you getting paid now?

A. 122K.

Q. Do you have any bonuses?

5           A. I supposed to. Based on my title  
6 which is IT Advisor, I'm eligible for bonus  
7 of 12.5 percent of annual salary but it  
8 depends on performance of the company. So  
9 there are two percentages here, 12.5 -- this  
10 is the stable percent and company performance  
11 is variable, depends of the company  
12 performance.

13 MS. KACHAN: Have you gotten  
14 any?

THE WITNESS: No.

16 MS. BLUMENFELD: What was  
17 the question?

18 MS. KACHAN: I asked if he's  
19 actually gotten any bonuses.

THE WITNESS: No.

21 Q. You just started working there in  
22 March of 2019?

23 A. Correct.

Q. So I would assume that the bonus, if you get any, would probably be coming in

Vladimir Binkevich

15

2 December; is that correct?

3           A. I think is going to be in April  
4 when financial -- let me say this way. I did  
5 not go through the procedure of review in the  
6 company of getting any bonuses in the company  
7 so I cannot predict when it is supposed to be  
8 paid and how it's supposed to be paid and is  
9 it a lump sum or during some period of time.  
0 I am not able to answer

10 I am not able to answer.

11 Q. They have not told you; is that  
12 correct?

13 A. I did not ask them.

14 Q. Do they contribute to any 401(k)  
15 for you?

16           A.     Actually, I am eligible, but I did  
17       not ask. I'm not participating right now in  
18       contribute. They contribute in 401(k) only  
19       in case when I am contribute in some money  
20       from my salary, correct.

21 Q. Right.

22 A. I did not fill application to  
23 contribute any amount of my salary to 401(k).

24 Q. Is there any reason that you did  
25 not fill that out?

1                             *Vladimir Binkevich*

16

2                     A.     I predict some expenses due to this  
3                     process.

4                     Q.     Are you currently married?

5                     A.     I am in separation.

6                     Q.     Where does your wife live?

7                     A.     My wife live in the same apartment  
8                     as I do.

9                     Q.     When did you separate from her?

10                  A.     Actually, our relationship was  
11                  broken a few years ago, but originally we --  
12                  I mean right now we in separation.

13                  Q.     How many bedrooms do you have in  
14                  your apartment?

15                  A.     Four.

16                  Q.     You are in one bedroom and she  
17                  occupies another bedroom?

18                  A.     Yes.

19                  Q.     Why has one of you not moved out?

20                  A.     Because we don't see -- I mean we  
21                  have big apartment. It allows us to be in  
22                  separate room and to not have any family  
23                  relation.

24                  Q.     If you can estimate when you  
25                  separated, a year, what year would you say

Vladimir Binkevich

17

2 | that was?

MS. KACHAN: I don't believe

4 that's what he said.

He didn't say --

MS. BLUMENFELD: He said it

broke down a few ago.

MS. KACHAN: A few years.

MS. BLUMENFELD: That's what

I'm asking.

My question is what year

would you say --

13                   A. Listen, when you say separation,  
14        you mean our actual relationship or paper  
15        relationship?

16 Q. Actual relationship.

17 A. 2016, I would say.

18 Q. 2016 is when your relationship  
19 broke down?

20 A. Yes.

Q. Do you share any accounts with her?

22                   A.     No.   We have separate accounts.   We  
23                  have separate households.   Your client knows  
24                  I can cook, I can clean apartment and I'm  
25                  pretty good to stay alone.

Vladimir Binkevich

18

2 Q. Have you ever shared a bank  
3 account?

4 A. Yes, we did.

5 Q. When is the last time you shared a  
6 bank account?

7           A.     I think 2015 or 2016. I am not  
8       sure. Then we closed all shared accounts and  
9       we closed all shared credit cards. And since  
10      that moment we have our own separate accounts  
11      and separate credit cards.

12                   Q.     Have you, because of the  
13 separation, did you give her any money from  
14 the accounts?   Did she take the money, the  
15 balance from the account or did you keep the  
16 money or did you split it?   How did that  
17 work?

18                   A.     Neither myself has access to her  
19 account and she does not have access to my  
20 account.

21 MS. KACHAN: That's not what  
22 she asked.

23 Q. I'm talking about when you had  
24 joint accounts and you said you closed it,  
25 what happened to the money in that account?

1                             *Vladimir Binkovich*

19

2                     A. I don't remember. I mean, it was  
3                     2015, 2015 or '16 and I do not remember.  
4                     Since then, I moved my money -- I mean have  
5                     direct deposit to separate account.

6                     Q. Do you speak with your wife?

7                     A. Very, very restricted amount of  
8                     time and subjects.

9                     Q. Do you have an accountant?

10                  A. Which prepare my income tax?

11                  Q. Yes.

12                  A. Yes, I do.

13                  Q. Is it the same accountant that your  
14                  wife has?

15                  A. Actually, they are in the same  
16                  office. Before I had -- they are sister and  
17                  brother, two accountants. Most likely I had  
18                  deal with brother. I don't know who she deal  
19                  with. And right now, because most likely  
20                  accountant moved to another spot because he  
21                  is a lawyer, I deal with the sister -- I mean  
22                  with the lady accountant. We file separate  
23                  income taxes.

24                  Q. When you filed your Chapter 11 case  
25                  in 2017, you were separated from your wife;

1                             *Vladimir Binkevich*

20

2         however, her income was included in your  
3         bankruptcy paperwork.

4         A.     It was a request, I think.

5                             What do you mean --

6                             MS. KACHAN: They were still  
7         married.

8                             MS. BLUMENFELD: They're  
9         still married. They are still  
10         currently married.

11                          MS. KACHAN: They're still  
12         married.

13         Q.     Why is her income not listed now if  
14         you were separated then and you're separated  
15         now and her income was listed in the Chapter  
16         11 case, but her income is not listed in the  
17         current case?

18         A.     Because right now we have  
19         absolutely separate households. I don't know  
20         even know her salary right now and as well as  
21         she does not know mine.

22                          And I said, we have completely  
23         separate accounts, completely separate  
24         households and I do not see any reason to  
25         show her income tax which I am not have any

1                             *Vladimir Binkevich*

21

2                             relation to any official legal documents.

3                             Q.     I understand, but my question is  
4                             why was she included in the Chapter 11?

5                             I understand if you're separated  
6                             that she shouldn't be included. That makes a  
7                             lot of sense.

8                             But my question is then why was she  
9                             included in your Chapter 11 and why is she  
10                            not included in your Chapter 7?

11                          MS. KACHAN: I don't think  
12                          that's a question for him.

13                          MS. BLUMENFELD: It is a  
14                          question for him.

15                          MS. KACHAN: I don't think  
16                          that's a question that he  
17                          understands.

18                          To your understanding at the  
19                          time, they were still married --

20                          Q.     Do you understand my question?

21                          A.     Listen, I don't know the rules --

22                          Q.     No, no, no.

23                          Do you understand the question I  
24                          asked you? Do you understand the question?

25                          A.     Yes, I understand your question.

1

Vladimir Binkevich

22

2

And correct me if I understand it  
incorrectly, why it was mentioned to  
Chapter 7 --

5

MS. KACHAN: 11.

6

A. -- 11 and was not --

7

Q. Mentioned in the Chapter 7.

8

MS. KACHAN: They're both  
mentioned. It's about what we  
understood to be the situation at  
the time and it's what we  
understand now document-wise to be  
the situation at this time.

14

Correct?

15

THE WITNESS: Yes.

16

Q. Is she still working at the same  
place?

18

A. I think so, yes. At least, I don't  
know anything about she changed employer.

20

Q. Where do you live right now?

21

A. You need address?

22

Q. Yes.

23

A. 428 Ovington Avenue, Apartment 3A,  
Brooklyn, New York 11209.

25

Q. And who owns that property?

1

Vladimir Binkevich

23

2

A. Right now the deed, I think, is on  
3 both of us.

4

Q. How long has the deed been in both  
5 your names? You keep looking at your lawyer  
6 but these are questions for you.

7

A. I understand, but it's nothing  
8 prohibited to --

9

Q. No, no, no. I know. I understand  
10 why you're looking at her but I'm just saying  
11 that these are questions -- if you don't  
12 know, you can say that you don't know.

13

Did you have an attorney transfer  
14 the deed?

15

A. Okay. The full story is at some  
16 point for real estate planning purposes  
17 because my condition was not good, health  
18 condition, I decided to leave my apartment  
19 for my kids to give them at least anything.  
20 And then -- and I was actually thinking about  
21 early retirement. And because of this  
22 complex of reason, we transferred the  
23 ownership of apartment to the trust.

24

And then situation became that I  
25 figured out that situation does not allow me

1                             *Vladimir Binkevich*

24

2                             to go to early retirement. I have to work as  
3                             much as I can and deed was transferred back  
4                             to me and my wife because we bought this  
5                             apartment together. At the moment of buying  
6                             apartment, which was in 2000, nothing was  
7                             predict the situation about separation and  
8                             divorce and et cetera.

9                             Q.        What year did you buy the property?

10                          A.        2000.

11                          Q.        Whose name was it in when you  
12                          bought it?

13                          A.        Both of our names.

14                          Q.        What year was it transferred out of  
15                          your name?

16                          A.        It was 2017 --

17                          THE WITNESS: 2017, I think?

18                          MS. KACHAN: '16.

19                          A.        2016. 2016 or 2017.

20                          Q.        And what year was it transferred  
21                          back?

22                          THE WITNESS: This year,  
23                          right?

24                          MS. KACHAN: (No verbal  
25                          response.)

1

Vladimir Binkevich

25

2

A. This year.

3

Q. This year, meaning 2019?

4

A. Correct.

5

Q. Whose name was it transferred back  
6 into?

7

A. Both of us. And also we thought  
8 that since it asset, it should be fair to  
9 return it back to my assets because we have  
10 some obligation to our creditors.

11

Q. How are you going to comply with  
12 your obligation to the creditors by  
13 transferring the property back to both your  
14 names?

15

A. Because if it was not on my name --

16

MS. KACHAN: Wait.

17

MS. BLUMENFELD: Let him  
18 answer.

19

MS. KACHAN: Rachel, no. I  
20 think that that is an unfair  
21 question.

22

I'm going to --

23

MS. BLUMENFELD: He's the  
24 one who brought it up.

25

MS. KACHAN: And I'm going

1

Vladimir Binkevich

26

2

to --

3

MS. BLUMENFELD: He brought  
4 it up. He said he did it for  
5 creditors. I'm asking him why.

6

MS. KACHAN: No, you're  
7 asking him how.

8

MS. BLUMENFELD: No, I said  
9 why.

10

MS. KACHAN: How.

11

Mr. Nisselson knows how.  
12 We're going to settle with the  
13 trustee --

14

MS. BLUMENFELD: That's not  
15 my question.

16

MS. KACHAN: -- and that  
17 money is going to creditors and you  
18 know that very well. And you know  
19 that he does not understand that  
20 concept, not as well as you and I  
21 do.

22

MS. BLUMENFELD: This is a  
23 very intelligent man.

24

MS. KACHAN: Right, but he's  
25 not a lawyer. He's not a lawyer

1

Vladimir Binkevich

27

2

and even lawyers don't know the way  
that it works in Chapter 7, the way  
it gets interest in the estate, and  
the way --

6

Q. Did somebody advise you to transfer  
the property out of your name into --

8

A. It was my decision.

9

Q. Did your wife agree with your  
decision?

11

A. Yes.

12

Q. Did you have a lawyer write up the  
paperwork to transfer the documents and help  
you with that?

15

A. Yes.

16

Q. Who?

17

A. I think, I think it's Victoria  
Beris (phonetic).

19

Q. And who helped you transfer the  
property back?

21

A. The same lawyer.

22

Q. When you transferred the property  
out of your names, you were separated at the  
time?

25

A. Yes.

1

Vladimir Binkevich

28

2

Q. Your decision to transfer it back  
to both your names -- did you give your wife  
any compensation at all for transferring it  
out of her name?

3

A. No.

4

Q. Why did you -- if you transferred  
it out of your name for health reasons, why  
didn't you transfer it into your wife's name?

5

A. Because originally it was in our  
both names.

6

Listen, if it was originally in our  
both names, how can I exclude her from to be  
a property owner.

7

Q. Well, if you're saying it's health  
reasons and you thought that you were going  
to have a health problem --

8

A. Listen, it's not only health  
reason. Let's be honest. I said combination  
of the reason. I thought about my health  
condition, I thought about my early  
retirement, I thought about the situation  
with my daughter, she did not have some high  
education, et cetera, et cetera. It was  
compensation -- it was several reasons.

1

Vladimir Binkevich

29

2

That's why I decided this would be better,  
but then I decided I cannot afford it and we  
transferred it back to ourselves.

5

Q. How old are you?

6

A. In December, 63. I will be 63.

7

Q. What are your health issues?

8

A. You want all my diagnoses?

9

Q. Yes.

10

You said that you have serious  
health issues that are causing you to  
transfer property out of your name --

13

A. Listen, I said I have some health

14 issues.

15

Q. I'm asking what your health issues  
16 are.

17

A. I have high blood pressure, I have  
high cholesterol, I have high triglycerides,  
I have multiple stones in my kidney, I have  
kind of arthritis.

21

Q. Have you been hospitalized at all  
22 for any of this in the past five years?

23

A. Yes.

24

Q. How many times?

25

A. About five year -- also I have some

1

Vladimir Binkevich

30

2

bigger issue which was one year ago and I had  
3 six operations on my kidney stone. But I'm  
4 not sure which year. I was not ready for  
5 this question.

6

MS. KACHAN: Just

7

approximately how many times were  
8 you hospitalized?

9

THE WITNESS: No, I said six  
10 times for kidney problem.

11

Q. In the last five years?

12

A. No, not in five years. I didn't  
13 say so. I don't remember how many times in  
14 five years. In 2018, I was hospitalized for  
15 vertigo.

16

Q. Vertigo?

17

A. Yes.

18

Q. Did any of your doctors say that  
19 any of these conditions are life threatening?

20

A. I did not ask this question.

21

Q. You don't always have to ask; a lot  
22 of times they tell you.

23

A. Not exactly like you ask, no.

24

Q. And how many children do you have?

25

A. Two.

1                             *Vladimir Binkevich*                     31

2                     Q.     How old are they?

3                     A.     39 and 33.

4                     Q.     Where do they live?

5                     A.     My son lives in Staten Island. My  
6                             daughter lives in Manhattan.

7                     Q.     Do they work?

8                     A.     Yes, they do.

9                     Q.     What do they do?

10                    A.     They are -- I mean, I don't know  
11                             their titles.

12                    Q.     That's fine.

13                             What do they do?

14                    A.     They are working in financial area.

15                    Q.     About much do they make?

16                    A.     First of all, I don't know. And  
17                             second of all, sorry to say, should I say it  
18                             now to you -- sorry to say -- how is it  
19                             related.

20                    Q.     It relates because you said one of  
21                             the reason that you transferred the property  
22                             back is because you want to help your  
23                             daughter financially. So that's why I'm  
24                             asking.

25                    A.     At that moment, at that moment she

Vladimir Binkevich

32

2 didn't have higher degree.

3 Q. Since then has she gotten a higher  
4 degree?

5 A. Yes, in this year.

6 Q. What degree does she have now?

7 A. MBA.

8 Q. Have you owned any other property  
9 aside from this property?

10 A. Yes, I do.

11 Q. Where?

12 A. In Philadelphia with your client.

13 Q. And when did you buy that property?

14                   A.     I mean -- let's say it was a long  
15                   time ago.

16 Q. Ten years, twenty years, thirty  
17 years?

18 MR. GUBENKO: More than ten  
19 years.

Q. Have you owned any other properties?

22 A. Except those.

23                    0.            Yes.

24 A. No.

25 0. Any properties outside of the

Vladimir Binkevich

33

## 2 United States and the Ukraine?

3 A. No.

4 Q. How many mortgages do you have on  
5 your property?

6 A. On my personal.

7 Q. Yes.

8           A.     I have mortgages and I have credit  
9       line which I took for business.

Q. How much -- what is the mortgage  
balance approximately right now?

A. I think 15K.

Q. One-five, 15,000?

14 A. 15,000, yes.

15 Q. Is that the total of the mortgage  
16 balance?

17                   A.     Mortgage balance, yes, only  
18     mortqage. But credit line --

19 Q. How much is the credit line?

20 A. More than \$400,000

21 Q. When was that taken out?

22 A. I don't remember exactly.

23 Most likely in 2000 -- I don't remember

24 | Sorry

Q. And what did you use the money for?

1

Vladimir Binkevich

34

2

A. I invested it into the business.

3

Q. Which business?

4

A. Food distribution business.

5

Q. Which one?

6

A. If you're asking me about the exact name of the company I do not remember. It can be figured out. But since we all the time are looking, this business, distribution business is one business irrelevant how many companies are there. So I don't remember. It depends from what company we're supposed to make current payments.

14

Q. How did it work? You took \$400,000 at once and then you put the money into your bank and then you distributed it to the business or was it one check or -- please explain how the 400,000 line of credit worked? Did you take it out over a period of time?

21

A. First of all, you are asking -- 400,000 is remaining on the credit line. Originally it was 555,000. And then depends on -- from there we took it from the Wells Fargo. We got the check from Wells Fargo

1                             *Vladimir Binkevich*

35

2                             checkbook and depends on the need we just  
3                             issue a check to one of the businesses and  
4                             deposit into the account of the business.

5                             Q.     So it was one check?

6                             A.     No.

7                             Q.     How many checks?

8                             A.     I don't remember.

9                             Q.     Do you remember over what period of  
10                          time the checks were written out?

11                          A.     No, I don't remember.

12                          Q.     Is there any way for you to be able  
13                          to find that out?

14                          A.     I think we sent to trustee the  
15                          account statements for the Wells Fargo.

16                          Q.     Did you transfer the property title  
17                          to your home after you stopped paying  
18                          creditors?

19                          A.     Transfer.

20                          Q.     Transferred from your name and your  
21                          wife's name to the trust? Did you transfer --

22                          A.     I don't remember.

23                          And when you say stopping pay, did  
24                          your client inform you that for one year, to  
25                          avoid any conflict with him, I pay his

1                             *Vladimir Binkevich*

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2                             interest by my own money, from my personal  
3                             account? Do you know this.

4                             Q.     Did you borrow the money from him  
5                             personally?

6                             MS. KACHAN: Objection.

7                             We're going to stop this.

8                             MS. BLUMENFELD: He is  
9                             bringing it up --

10                          MS. KACHAN: He brought it  
11                          up. He has the right to, but  
12                          you're not going to continue this.

13                          MS. BLUMENFELD: So he has  
14                          the right to but I do not have that  
15                          right? Why are we not continuing  
16                          this?

17                          MS. KACHAN: If you want to  
18                          continue this discussion, then it's  
19                          not a deposition anymore.

20                          MS. BLUMENFELD: Why is it  
21                          not a deposition?

22                          MS. KACHAN: That's more of  
23                          a --

24                          MS. BLUMENFELD: He brought  
25                          it up -- that's more of a what?

1

Vladimir Binkevich

37

2

MS. KACHAN: He mentioned to  
you that he actually made payments  
because you're trying to trap him  
with a question.

6

As you mentioned --

7

MS. BLUMENFELD: I'm not  
trying to trap him with a question.

9

10 MS. KACHAN: -- he's smart,  
so he exactly answered you the way  
11 it should have been answered.

12

13 He told you that not only  
14 did he not stop paying, he was  
15 actually paying your client for  
another year when the business was  
16 already unable to pay anything on  
17 its own.

18

19 So, obviously, you don't  
want to hear this so you want to  
20 rebut it but he said this to you in  
21 response to you asking. So you  
22 tried to ask if he made this  
23 transfer. He told you why this  
24 transfer was made, he told you way  
25 back when the transfer was made,

1

Vladimir Binkovich

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2

way before the bankruptcy, way  
before anything else. And he told  
you that he was actually still not  
only paying creditors, he was  
paying your client who is,  
obviously, a creditor.

8

MS. BLUMENFELD: Alla, you  
are really interfering with this  
deposition.

11

MS. KACHAN: Well, I'm not  
going to allow you to --

13

MS. BLUMENFELD: He didn't  
say --

15

MS. KACHAN: -- do what  
you're doing.

17

MS. BLUMENFELD: -- and you  
can correct if I'm wrong, we can go  
back to the transcript, I asked him  
if he remembers when he stopped  
paying creditors and he said he  
doesn't remember.

23

MS. KACHAN: He said that he  
doesn't remember. But then he said  
to you --

1

Vladimir Binkevich

39

2

MS. BLUMENFELD: But you  
just now said --

4

MS. KACHAN: -- that he  
continued paying. I remember when  
the initial transfer was because I  
did it in my intake so I know when  
he initially transferred. I also  
know when he filed and when the  
issues began.

11

MS. BLUMENFELD: You are  
really -- you are convoluting --

13

MS. KACHAN: I am not  
answering for him, but I'm telling  
you what he just said to you in  
response to your --

17

MS. BLUMENFELD: You're  
convoluting the testimony.

19

MS. KACHAN: -- question.

20

He answered in a way you  
didn't want to hear it and in a way  
you didn't want to have it on the  
record.

24

MS. BLUMENFELD: Off the  
record for one minute.

Vladimir Binkevich

40

Off the record.

(Whereupon, a discussion was

held off the record.)

BY MS. BLUMENFELD:

Q. Was it a personal loan that my client gave you or a business loan?

A. Okay. The money he gave to me was issued to the company and was deposited to the company.

Q. So the check that he wrote out was written to the company?

A.      Correct.

Q. And you personally quaranteed it?

A. Yes.

Q. Did you pay that back at any point in time from your personal account or was it paid back from the business account?

A. When you say paid back, what do you mean.

Q. You said --

MS. KACHAN: Make a payment.

MS. BLUMENFELD: Alla.

please.

MS. KACHAN: Well, you

1    41  
Vladimir Binkevich

2    explain it or I'll explain it.

3    MS. BLUMENFELD: I am happy  
4    to explain it --

5    MS. KACHAN: So specify.

6    MS. BLUMENFELD: -- if you  
7    give me a minute and stop jumping  
8    in.

9    MS. KACHAN: Specify.

10    MS. BLUMENFELD: I am going  
11    to if you give me a minute, please.

12    Q. The payments -- did you repay him  
13    at all and, by the way, I have three clients  
14    we're talking about here. I'm assuming that  
15    you're only talking about the client that is  
16    sitting with me here today, is that correct,  
17    Victor Gubenko? That's the one that you're  
18    talking about; is that correct?

19    A. Okay, let's separate questions.

20    Q. Yes.

21    A. You asked me did the company which  
22    we borrow money for paid to all creditors  
23    their dividends.

24    MS. KACHAN: At any time.

25    A. At any time, yes.

1    Vladimir Binkevich    42

2    MS. KACHAN: Not dividends  
3    paid back at any time --

4    MS. BLUMENFELD: Alla,  
5    please.

6    A. What do you mean? What is your  
7    question?

8    MS. BLUMENFELD: Alla, stop  
9    talking.

10    MS. KACHAN: Perhaps you  
11    should then because I'm not going  
12    to allow him to get misled by  
13    questions. So either you specify  
14    your questions or I will.

15    MS. BLUMENFELD: Alla, he's  
16    allowed to talk and finish what  
17    he's saying.

18    MS. KACHAN: You didn't  
19    specify. He's sitting there trying  
20    to separate it out for you --

21    MS. BLUMENFELD: Alla,  
22    please stop talking --

23    MS. KACHAN: -- and you did  
24    not.

25    MS. BLUMENFELD: -- and

1                             *Vladimir Binkevich*                     43

2                             interfering with the deposition.

3                             You came an hour late and now all  
4                             you're doing is jumping in and --

5                             MS. KACHAN: And I will  
6                             continue jumping in if you don't do  
7                             it properly.

8                             MS. BLUMENFELD: I think  
9                             maybe we should get the judge on  
10                           the phone then.

11                          MS. KACHAN: I don't care.  
12                          Do what you're supposed to do.

13                          MS. BLUMENFELD: I am doing  
14                          what I'm supposed to do, but --

15                          MS. KACHAN: No. You're not  
16                          specifying.

17                          MS. BLUMENFELD: -- you have  
18                          to stop jumping in.

19                          MS. KACHAN: You're not  
20                          specifying.

21                          MS. BLUMENFELD: We had an  
22                          agreement before that there would  
23                          be an interruption only if it's a  
24                          question of attorney/client  
25                          privilege.

1

Vladimir Binkevich

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2

MS. KACHAN: And I told you  
unless I have an issue with it.

4

And I have an issue with it because  
you're not specifying.

6

MS. BLUMENFELD: You have an  
issue with everything he's  
testifying about.

9

MS. KACHAN: Not really.

10

MS. BLUMENFELD: You're not  
letting him speak without  
interrupting.

13

MS. KACHAN: Why don't you  
specify the period of time you're  
talking about? That's all I'm  
saying to you.

17

MS. BLUMENFELD: My question  
is not the period of time.

19

MS. KACHAN: You asked at  
any time -- perhaps you should  
specify.

22

BY MS. BLUMENFELD:

23

Q. Sir?

24

A. Yes, I'm listening.

25

Q. You are saying that my client was

1

Vladimir Binkevich

45

2

repaid some of the money that he paid the  
company that he gave to you; is that correct?

4

A. Okay, let's separate the question  
because your question right now is absolutely  
not clear.

7

Q. Please go ahead.

8

A. The condition of financial  
agreement was we have to pay 12 percent to  
the creditors. We did it at least three or  
four times to each and every creditors which  
you are representing now. Is it clear.

13

Q. No, I'm not clear.

14

So, you're saying that you paid  
back 12 percent to each creditor -- to the  
three creditors I'm representing?

17

A. From the company. And last time  
the company was not able to pay this money to  
particular this reason irregardless [sic] of  
the two others, I paid from my personal  
account and he can confirm it to you.

22

Q. When was that paid?

23

A. This, I don't remember. Probably  
he will answer you this question.

25

Q. Do you know how much you paid him

Vladimir Binkevich

46

2 from your personal account?

A. 36,000, I think.

4 Q. How many times did you pay him from  
5 your personal account?

6           A.     One time, last time. Before all  
7     times I paid to him and to other creditors  
8     from the company account.

9           Q.     So, generally, how did it work when  
10        you were repaying them? You were the one who  
11        wrote it from the company account and you  
12        wrote a check to them and paid them?

13                   A.     When you say repay, it's not clear  
14 definition.

15 Q. Okay.

16 A. Let me.

17                   We had agreement, official  
18 agreement, that in one year we are supposed  
19 to pay them dividends or whatever you call  
20 it. I do not know what do you say when say  
21 repaid. I don't know. But the amount of 12  
22 percent of the initial payment -- I mean  
23 initial investment was paid to them after one  
24 year when agreement expired. It was paid to  
25 them and we create new agreement for next

1                             *Vladimir Binkevich*                     47  
2                             year.

3                             Now, is it clear? Because repay,  
4                             it's not right definition.

5                             Q. So what you're talking about is a  
6                             promissory note; is that correct?

7                             A. Correct.

8                             Q. How many promissory notes do you  
9                             have with Mr. Gubenko?

10                          MS. KACHAN: Well --

11                          MS. BLUMENFELD: He's  
12                          supposed to answer.

13                          Do not answer for him.

14                          A. We have it each and every year. I  
15                          think with Mr. Victor Gubenko two promissory  
16                          notes, one for 200,000 and one for 100,000.  
17                          Each and every those promissory notes was  
18                          paid in time unless -- I mean it was paid on  
19                          time when it supposed to be, and last time I  
20                          paid this.

21                          Q. So just to clarify it was paid on  
22                          time until it wasn't paid?

23                          A. Yes.

24                          Q. Do you agree that you personally  
25                          guaranteed and owe the money to him?

1

Vladimir Binkevich

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2

A. It was, yes. But listen, I emphasize each check which he wrote was issued not to my name -- even if I guaranteed -- it was issued to the company account and was deposited.

7

Q. Which company account was it issued to?

9

A. Most likely, it's Euro Import, Inc.

10

Q. And the money that you borrowed --

11

MR. NISSELSON: Can I?

12

MS. BLUMENFELD: Yes,

13

please.

14

MR. NISSELSON: Is it Euro Import Distribution or Euro Import Bel?

17

THE WITNESS: Euro Import, Inc.

19

MR. NISSELSON: Inc.?

20

THE WITNESS: Yes.

21

MS. KACHAN: That's a different one.

23

THE WITNESS: There are four different companies. Euro Import, Inc.

1                             *Vladimir Binkevich*                     49

2                             MS. KACHAN: Euro Import,  
3                             Inc.

4                             MR. NISSELSON: I don't have  
5                             that.

6                             THE WITNESS: I mean you  
7                             definitely -- I mean sorry to say.

8                             MR. NISSELSON: I have  
9                             Distribution.

10                          THE WITNESS: Distributions.  
11                          Euro Import, Euro Import  
12                          Distributions, Euro Import Star,  
13                          Euro Import Bel. Most likely --  
14                          first of all -- let me answer this  
15                          way --

16                          MS. BLUMENFELD: Here if you  
17                          want to see these (handing).

18                          A. Rachel, let me say this way. Those  
19                          checks was deposited to the company which  
20                          those checks was issued to.

21                          MS. BLUMENFELD: Just wait  
22                          for one second.

23                          (Whereupon, a brief  
24                          discussion was held off the record  
25                          and a brief recess was taken.)

1

Vladimir Binkevich

50

2

MS. BLUMENFELD: We are back  
on the record.

4

BY MS. BLUMENFELD:

5

Q. Mr. Binkevich, during the break,  
did you speak to anybody?

7

A. With Victor.

8

MR. GUBENKO: No.

9

MS. BLUMENFELD: No.

10

MR. GUBENKO: No.

11

MS. BLUMENFELD: You did not  
speak.

13

MR. GUBENKO: I did not  
speak.

15

THE WITNESS: I mean in  
toilet, I said --

17

MR. GUBENKO: Sorry. I  
thought you were talking about  
different --

20

MS. BLUMENFELD: That, I  
don't need to know.

22

We're going to mark now into  
Exhibit 1 -- I'm going to give you  
guys a copy -- this is your  
Voluntary Petition.

1

Vladimir Binkevich

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2

(Voluntary Petition was  
marked as Exhibit 1, for  
identification, as of this  
date.)

6

Q. If you could please turn to the  
signature page, it's Page 6 on the bottom.

8

A. Okay.

9

Q. Did you sign that petition?

10

A. Yes.

11

Q. Did you read everything before you  
signed it?

13

A. Yes.

14

MS. BLUMENFELD: Mark this,  
please.

16

(Amendment was marked as  
Exhibit 2, for  
identification, as of this  
date.)

20

Q. Now, I'm going to hand you Exhibit  
2 which is your Amendment to the Petition  
(handing).

23

Along with your amendment, do you  
believe that now everything is truthful and  
accurate?

1

Vladimir Binkevich

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2

A. (Witness peruses Exhibit 2.)

3

I need to read it again. I cannot say yes or no because I don't -- okay.

4

Q. Do you recall why you amended your paperwork?

5

A. Ah, okay. Yes, because -- listen, we already had this discussion. The amount of my checking account was not correct. To prove this, I sent to the trustee statement from the bank on this account because originally it was mentioned 45-something-thousand and originally it was -- yes, it was mentioned 45,000 and actually it was 26,000.

6

Q. So with this amendment, to the best of your knowledge, do you think that everything is truthful and accurate on the paperwork?

7

A. As I said already, if it's only this one then this is fine. But to answer you yes or no, do I need read it probably to see if it's the only one.

8

Q. Did you read the paperwork before it was filed?

9

A. Yes. You asked me question: Did

1                             *Vladimir Binkevich*

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2       you read the paper before you sign it? I  
3       answered yes.

4       Q.     And I'm asking with the amendment  
5       that you made, with this correction, is it  
6       now truthful and accurate? Is everything  
7       listed?

8       A.     Yes.

9       Q.     And your attorney is not supposed  
10      to be nodding to help you answer the  
11      question; you're supposed to be answering it  
12      on your own.

13      A.     Did my attorney say any words?

14      Q.     She did not. That's why I just  
15      said she nodded the answer and then you  
16      answered. So I'm just saying she's not  
17      supposed to be prompting you to answer the  
18      question.

19                             So as we stand, everything is  
20      truthful and accurate, correct?

21      A.     (No verbal response.)

22      Q.     Let's look at your Schedule B,  
23      please. So I'm looking at number 17 which is  
24      your TD Bank checking account.

25      A.     Okay.

1

Vladimir Binkevich

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2

Q. What is the highest balance that  
you have had in that account in the last two  
years?

5

A. This answer, I'm not able to give  
to you. You can get this answer when you  
look in the old TD bank statement which I  
sent to trustee.

9

Q. So you give permission for the  
trustee to provide me with all the bank  
statements that you gave them?

12

A. Yes.

13

Q. But the answer is that you don't  
know? Is that the answer?

15

A. I don't remember the highest, yes.

16

Q. When you filed this paperwork, did  
you have any other bank accounts?

18

A. No.

19

Q. Have you had any other bank  
accounts in the last two years?

21

A. Prior to what.

22

Q. In the last two years.

23

A. In the last two years from today or  
prior --

25

Q. Prior to filing.

1

Vladimir Binkevich

55

2

Prior to filing the petition of --

3

A. Okay, since I remember, as far as I remember, as far as I file bankruptcy regardless of chapter, I was able to have only one account in TD Bank which actually supports this type of accounts. I do not have any other accounts.

9

10

Q. Have you had any in the last two years?

11

12

13

14

15

MS. KACHAN: He just said from the time he filed any Chapter bankruptcies, so that would be going back to the beginning of the Chapter 11.

16

17

Q. That you had no other bank accounts?

18

A. No.

19

20

21

22

23

MS. BLUMENFELD: Mark this.  
(Chapter 11 was marked as Exhibit 3, for identification, as of this date.)

24

25

Q. Exhibit 3 is your prior bankruptcy filing (handing).

1 Vladimír Binkevich 56

2 A. So we can close this.

3 Q. You can keep it open.

Do you recognize that document?

5 A. Are you asking me?

6 Q. Yes.

7 Do you recognize the document?

8 A. (Witness peruses Exhibit 3.)

9 Yes.

10 Q. Did you sign that? That's your  
11 prior Chapter 11 case.

12 A. Yes.

13                   Q.     If you see in Number 17, you have  
14       two other bank accounts, two Citibank  
15       accounts?

16                   A.     Which was closed prior to 2015, I  
17                   think.

18 Q. Your Chapter 11 was filed in 2017  
19 and these are listed on your 2017 filing.

20 MS. KACHAN: For which proof  
21 of closing of the bank accounts was  
22 provided as requested at the time  
23 of filing.

24 A. Yes, we closed those.

25 Q. First of all, I did not ask for any

1

Vladimir Binkevich

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2

proof of closing of any bank accounts and  
nothing was provided.

4

But my question to you is: Did you  
have any bank accounts in the last two years?

6

A. It would be great if you will tell  
me not prior two years. It would be much  
helpful for me if you say in what year.

9

Q. Okay. I will make sure to do that  
the next time to clarify it.

11

So why were these accounts closed?

12

A. Because based on the rule, I allow  
to have only one type of account.

14

Q. That's correct.

15

A. I follow the rules. All statement  
was also provided.

17

Q. The account that you have open  
right now, is that a debtor in possession  
account?

20

A. It was DAP account. Let me answer  
this way. It was open as DAP. When the case  
was dismissed, it became a regular account.

23

Q. If you'll see here at Number 19,  
you have a list of five -- we're looking now  
at the 2019 filing -- you have a list of one,

Vladimir Binkevich

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two, three, four, five corporations --

3 A. Okay.

4 Q. So my question to you is why did  
5 you set up so many corporations?

6           A.     Regarding variation, I don't need  
7     to answer. I hope you do know the --

8 Q. I don't know any answers. Please  
9 answer it.

10           A. Bay Ridge Association was open with  
11 Mr. Victor Gubenko and Mr. Arcadi Golden --  
12 we were three partners. And for those  
13 account business interest required this so  
14 many corporations.

15 Q. Please explain what you mean by  
16 business interests.

17                   A.     Euro Import area was only buying  
18     goods --

19 Q. I'm just going to interrupt you  
20 because there are three Euro Imports. So  
21 just explain --

22                   A.     Euro Import, Inc. Was area to  
23 buying everything.    Euro Star, Euro  
24 Distributions -- because we have big list of  
25 inventory for salesperson, it would be easier

1                             *Vladimir Binkevich*

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2                             we split inventory into two parts. And two  
3                             salespersons go to different areas with  
4                             different list of inventory. This is Euro  
5                             Import Distributions and Euro Star. And Euro  
6                             Import Bel, it was a requirement from the --  
7                             this company operate with chocolate factory  
8                             in Russia and it was requested from supplier  
9                             to have separate entity to have the order.

10                          Q.       The percentages that are listed  
11                          here, is that the correct percentage of your  
12                          ownership in each of these?

13                          A.       I'm not sure about Euro Star. I  
14                          need to check my papers.

15                          Q.       What do you think your percentage  
16                          is?

17                          A.       Less. It's around 27 or 26.

18                          Q.       In the last seven years, have you  
19                          owned any other corporations aside from the  
20                          ones that are listed?

21                          A.       No.

22                          Q.       Have you ever heard of a company  
23                          called Euro Line?

24                          A.       Yes.

25                          Q.       Do you have any interest in Euro

1

Vladimir Binkevich

60

2

Line?

3

A. No.

4

Q. Have any of these corporations that  
are listed transferred any of your  
percentages to any other corporation?

7

A. I think Euro Star. Euro Star was  
-- I mean Euro Star -- it was created a new  
entity. And Euro Star owns one-third of  
those shares.

11

MR. NISSELSON: Of what  
entity?

13

A. New entity, Euro -- I think the  
name of the entity is Euro Line Food or  
something like this. Euro Line, Euro Line.  
You call it Euro Line.

17

Q. So, in other words, the Euro Star  
was transferred to Euro Line food?

19

A. No. It's Euro Star is a part of  
Euro Line which has 30 percent of shares with  
new entity.

22

Q. I'm not sure if I understand what  
-- how that works. If you could, explain it  
in a little more detail.

25

A. It was a company --

1

Vladimir Binkevich

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2

Q. Which one was a company?

3

A. We call it Net Cost, but I don't remember exact name of the company. And it was created new entity Euro Line and into this entity there were two partners, as far as I know. One is Euro Star with 30 percent of shares. And another is Net Cost --

9

MR. NISSELSON: Net Cost?

10

THE WITNESS: Net Cost.

11

A. Full name, Net, space, Cost, space, Market. Maybe it's officially different name. I don't remember. I --

14

MS. KACHAN: Their street

15

name. That's the name they have

16

on --

17

A. Yes, their street name. They own Russian supermarket.

19

MR. NISSELSON: And I'm

20

sorry.

21

Can I just --

22

MS. BLUMENFELD: Please, go

23

ahead.

24

MR. NISSELSON: Net Cost

25

owns two-thirds of Euro Line and

1                             *Vladimir Binkevich*                     62

2                             Euro Star owns one-third of Euro  
3                             Line?

4                             THE WITNESS:    Absolutely  
5                             correct.

6                             Q.     Do you have any ownership in any of  
7                             these, in Euro Star or in Net Cost Market?

8                             A.     I just mentioned to you I have in  
9                             Euro Star.

10                          Q.     When was it transferred to Net Cost  
11                          Market?

12                          A.     I don't remember. I think we  
13                          provide some of that -- no, we didn't? I  
14                          need to figure it out.

15                          MS. BLUMENFELD:   If we could  
16                          hold this open to find out what the  
17                          -- to fill this in when you  
18                          remember, please?

19                          If you can let me know any  
20                          of the blanks that you don't  
21                          remember, if we can please just go  
22                          back at a different time so that we  
23                          can find out what the dates are.

24                          THE WITNESS:   Yes.

25                          (INSERT) : \_\_\_\_\_

1

Vladimir Binkevich

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2

Q. Net Cost Market, do you have any information as far as what their revenue is?

4

A. No.

5

Q. Do you have any information as far as Euro Line Food what their revenue is?

7

A. No.

8

Q. Do you have any information as far as Euro Star what their revenue is?

10

A. Euro Star does not operate anymore. It closed at least --

12

Q. When did it close?

13

MR. NISSELSION: Rachel, you have a visitor.

15

MS. BLUMENFELD: Off the record.

17

(Whereupon, a discussion was held off the record.)

19

BY MS. BLUMENFELD:

20

Q. When did it close?

21

A. I don't remember. We provide the date of close of each of these companies.

23

Q. When you say you provided -- I'm just going to interrupt for a second -- you did not provide anything to me.

1

Vladimir Binkevich

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2

A. Because you did not ask.

3

MS. KACHAN: You didn't make

4

a request.

5

MS. BLUMENFELD: I actually

6

did make a request --

7

MS. KACHAN: Mr. Nisselson

8

made a request.

9

MS. BLUMENFELD: I actually

10

made a request at the 341 that

11

anything that's provided to the

12

trustee gets provided to me, and I

13

did not get anything.

14

So I'm just saying, I don't

15

have any information because

16

nothing was provided to me. It's

17

not the trustees' obligation to

18

have given it to me and I didn't

19

know that anything, as far as

20

documents, were turned over.

21

A. But on top of my knowledge, you did

22

not request --

23

Q. At the 341 hearing, I did.

24

MS. KACHAN: You did not

25

make any requests, not in writing,

1                             *Vladimir Binkevich*                     65

2                             not in e-mail, not in anything.

3                             MR. NISSELSON: Can I give  
4                             her everything that was sent to me?

5                             MS. KACHAN: Absolutely.

6                             MS. BLUMENFELD: Off the  
7                             record.

8                             (Whereupon, a brief  
9                             discussion was held off the record  
10                            and a brief recess was taken.)

11                            MS. BLUMENFELD: We are back  
12                            on the record.

13                            BY MS. BLUMENFELD:

14                            A. Yes, we are back on the record and  
15                            I would like to bring to your attention that  
16                            everything which trustee requested in written  
17                            form, everything was provided. Since you did  
18                            not get it, trustee will share with you all  
19                            information.

20                            Q. I appreciate that. Thank you very  
21                            much.

22                            So Euro Star is closed?

23                            A. Every company in this is except Bay  
24                            Ridge is closed right now and accounts are  
25                            closed.

1

Vladimir Binkevich

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2

Q. Do you remember when any of them  
were closed?

4

A. Trustee has a list of information.

5

Q. Is the answer that you don't  
remember?

7

A. The answer is I don't remember.

8

Q. Do you currently have a safe  
deposit box?

10

A. No.

11

Q. Have you ever had a safe deposit  
box?

13

A. No.

14

Q. Do you have interest in 401(k)s?

15

A. Yes.

16

Q. In the last two years, have you  
taken any money out of any of your 401(k)s?

18

A. Never ever from any account not  
only two years but in entire life which I  
withdrew money to those accounts, never ever.

21

Q. Can you sue anyone? Are you able  
to sue anyone for any purpose? For a slip  
and fall, car accident, anything like that?

24

A. I did not get your question.

25

Q. Are you able --

1

Vladimir Binkevich

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2

A. I am able as a United States  
3 citizen --

4

MS. KACHAN: No, no, no.

5

If something happened and  
6 you didn't sue, do you have the  
7 right to sue?

8

THE WITNESS: (No verbal  
9 response.)

10

Q. Do you have any claims against  
11 anyone?

12

So, for example, you had six  
13 operations?

14

Do you have a malpractice against  
15 any doctor?

16

A. No.

17

Q. Do you have any car accidents or  
18 anything of that sort?

19

A. No.

20

Q. How much did you pay your lawyer  
21 for this case?

22

A. I'm so sorry, I do not want to  
23 answer this question.

24

Q. You have to answer that question.  
25 It's a requirement to answer that question.

1

Vladimir Binkevich

68

2

MS. KACHAN: You can answer.

3

Q. You can answer the question.

4

A. I don't remember. I don't  
remember. I didn't ever pay attention.

6

Q. Of how much money that you paid  
your lawyer?

8

A. Correct.

9

Q. For this case?

10

11

A. I mean exactly numbers; no, I don't  
remember.

12

13

MS. KACHAN: Actually, he  
didn't pay for this case.

14

15

Q. Are you going to pay your attorney  
for this case?

16

A. Per her request, yes.

17

18

Q. You are going to pay her per her  
request.

19

20

So how much are you going to pay  
her for this case?

21

22

A. Listen, is it not between my lawyer  
and myself --

23

Q. It is not. It is not.

24

25

Actually, if you look at your  
paperwork, there is a section here that says

1

Vladimir Binkevich

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2

-- that asks the question in your bankruptcy paperwork, and I'll refer you to the section here that asks have you paid your lawyer, any lawyer for -- within the two years of filing a bankruptcy, have you paid your lawyer, any lawyer for helping filing a bankruptcy.

3

That is a question that is on the bankruptcy petition and paperwork?

4

A. I do not remember how much and when I paid to my lawyer.

5

Q. But you said that you are going to pay in the future?

6

A. Yes.

7

Q. Do you have an agreement as to how much you are going to pay?

8

A. No.

9

Q. Do you know how much -- is there -- there is no agreement at all as far as how much you're going to pay?

10

A. No.

11

Q. Do you have a retainer agreement, a written agreement?

12

A. Yes, I have retainer agreement.

13

Q. How much does the retainer

1                             *Vladimir Binkevich*

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2                             agreement state?

3                             A.     I don't remember.

4                             MS. BLUMENFELD: If I can  
5                             get a copy of that retainer  
6                             agreement.

7                             MS. KACHAN: First of all,  
8                             privilege.

9                             And second of all, actually,  
10                            there is no retainer for this case  
11                            because he did not pay and did not  
12                            promise to pay for any of this  
13                            case. And if you have a question  
14                            about my compensation on the other  
15                            case, that composition was allowed,  
16                            that compensation was approved.  
17                            That's on the dockets. You're more  
18                            than welcome to open up the docket  
19                            and see what the Chapter 11 fees  
20                            were.

21                            MS. BLUMENFELD: I didn't  
22                            open and that was actually a  
23                            problem in the other case with your  
24                            compensation because you  
25                            represented him as well as the Euro

1                             *Vladimir Binkevich*                     71  
2                             ones.

3                             MS. KACHAN: So perhaps if  
4                             you think you have standing, why  
5                             don't you waste your clients' money  
6                             and go after it?

7                             With that being said, my  
8                             compensation was approved by the US  
9                             Trustees Office. My compensation  
10                            was signed off on. So, therefore,  
11                            if you think you have standing go  
12                            on and raise any objection --

13                            MS. BLUMENFELD: Do you want  
14                            to be sworn in?

15                            Can you swear in Alla,  
16                            please --

17                            MS. KACHAN: Any objection  
18                            you want --

19                            MS. BLUMENFELD: Excuse me.  
20                            Can you swear Alla in,  
21                            please?

22                            MS. KACHAN: No.  
23                            Actually, I'm going to then  
24                            request that you serve me with  
25                            notice. How about --

1

Vladimir Binkevich

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2

MS. BLUMENFELD: Why don't  
we adjourn this then?

4

MS. KACHAN: Adjourn it  
away. Tell your client how you're  
going to justify your fees.

7

Do whatever the heck you  
want --

9

MS. BLUMENFELD: That is  
none of your business as far as my  
client's fees.

12

MS. KACHAN: Rachel, Rachel.

13

MS. BLUMENFELD: Yes.

14

MS. KACHAN: You're getting  
into what's none of your business.  
I'm going to get into yours.

17

So I'm going to tell you one  
more time, we said Zero and it's  
Zero, and the agreement was Zero.

20

I did not take any money  
from him for Chapter 7. I did take  
money from him for Chapter 11.

23

THE WITNESS: Yes, I confirm  
it.

25

MS. BLUMENFELD: So we said

1

Vladimir Binkevich

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2

-- so this is both of your  
testimonies; is that correct?

4

MS. KACHAN: Well, actually,  
I represented this is my statement  
on here that says Zero and I stand  
by my statement.

8

You have a problem --

9

MS. BLUMENFELD: I have a  
lot of problems with your attitude,  
with your nodding and with your  
shaking your head --

13

MS. KACHAN: Go ahead.

14

Do whatever you need to.

15

MS. BLUMENFELD: -- on the  
record to him and with your  
prompting your client.

18

MS. KACHAN: Whatever.

19

And I have a problem, I have  
a problem with what you're doing  
with testimony.

22

You're trying to mislead,  
trying to confuse the questions,  
not specifying the questions. I  
have lots of problems and issues

1

Vladimir Binkevich

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2

with that, too. And if you have  
3 standing for the things that you're  
4 raising, why don't you do what you  
5 need to do and I'll --

6

MS. BLUMENFELD: Alla,  
7 there's something called saying  
8 "objection" if you have an  
9 objection to the form of a  
10 question.

11

MS. KACHAN: Okay.

12

MS. BLUMENFELD: We have  
13 been sitting for over an hour and  
14 you have not raised one objection  
15 to the form of the question.

16

Instead, you have taken it  
17 upon yourself to rephrase the  
18 question --

19

MS. KACHAN: Why don't you --

20

MS. BLUMENFELD: -- and to  
21 interrupt him anytime he goes on  
22 for more than a sentence.

23

MS. KACHAN: It speaks to  
24 your ability to phrase the question  
25 correctly.

1

Vladimir Binkevich

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2

MS. BLUMENFELD: So maybe

3

I'm not a good lawyer. Maybe

4

you're a better lawyer than I am.

5

MS. KACHAN: Take up the

6

issue with whoever you need to take

7

up the issue.

8

MS. BLUMENFELD: I guess

9

you're a better lawyer.

10

MS. KACHAN: That's what

11

we're debating today, sure. I'll

12

agree with you if you need it.

13

Q. Is there anybody that you owe money  
to that is not listed on this paperwork as  
far as -- I'm asking as far as your Chapter 7  
case.

17

Is there anyone --

18

MS. KACHAN: Are there any

19

other creditors that are not here?

20

Q. And please stop looking at your  
lawyer to ask her. This is your testimony.

22

A. Let me explain to the record why I  
am looking to my lawyer.

24

Q. Please, please.

25

A. Because she is much more familiar

1                             *Vladimir Binkevich*

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2                             with the structure of this piece of paper  
3                             than myself. The only reason which I'm  
4                             looking at my lawyer to ask her to open the  
5                             needed page.

6                             Am I clear?

7                             Q.     I understand where you're coming  
8                             from, but also it is your obligation as the  
9                             debtor in the case to make sure that  
10                            everything is listed. We as lawyers help to  
11                            prepare the paperwork and we can advise you  
12                            as far as things are listed.

13                            But I'm just asking if, to the best  
14                            of your knowledge, everybody that you think  
15                            that you owe money to is listed?

16                            A.     That is what I would like to look  
17                            at.

18                            Q.     Take your time and look at it.

19                            A.     (Witness peruses.)

20                            Yes.

21                            Q.     Yes what?

22                            A.     Would you please repeat your  
23                            question?

24                            Q.     Are all your creditors listed on  
25                            the paperwork?

1                             *Vladimir Binkevich*

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2                     A.     Yes, all my creditors are listed on  
3                         the paperwork.

4                     Q.     Do you owe any taxes?

5                     A.     Taxes? What do you mean.

6                     Q.     Do you owe the IRS or New York  
7                         State any money?

8                     A.     I did not get your question.

9                     Q.     Do you owe -- when you filed this  
10                         bankruptcy paperwork, did you owe the IRS,  
11                         the Internal Revenue Service, or New York  
12                         State any money?

13                     A.     No.

14                         You mean do I need to pay to IRS or  
15                         New York State and I did not pay?

16                     Q.     Yes, that is the question.

17                     A.     No.

18                         MS. BLUMENFELD: Mark this,  
19                         please. . .

20                         (Proof of Claim was marked  
21                         as Exhibit 4, for  
22                         identification, as of this  
23                         date.)

24                     Q.     I am putting into Exhibit 4, I  
25                         believe this is -- this is a Proof of Claim

Vladimir Binkevich

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2 from the Internal Revenue Service and this  
3 was filed in your prior Chapter 11 case. And  
4 it shows on the second page, number 7, that  
5 you owe personal taxes for \$10,000.

6 A. It's my personal.

8 A. I did not know anything about..

9 Q. So you're not aware that you owed  
10 taxes --

11 A. No.

12                   Q. Just so you know, you may want to  
13 amend your paperwork because that is not  
14 listed as an obligation in your current  
15 bankruptcy case.

16 MR. NISSELSON: Can I ask a  
17 question while we're on this?

18 MS. BLUMENFELD: Yes.

19 MR. NISSELSON: If you turn  
20 to the last page of that exhibit,  
21 sir, you see it specifies where  
22 that liability may have derived  
23 from.

24 Did you file a tax return  
25 for 2016?

1

Vladimir Binkevich

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2

THE WITNESS: Yes, I filed  
it.

4

MR. NISSELSON: You filed it  
late maybe?

6

THE WITNESS: No, I filed it  
with the extension.

8

MR. NISSELSON: With the  
extension? So you filed it in  
October?

11

THE WITNESS: Yes.

12

MR. NISSELSON: That's  
probably --

14

MS. KACHAN: That's why they  
have the claim.

16

MR. NISSELSON: They filed a  
claim as an estimated amount  
because when they filed the claim  
you had not filed your return.

20

THE WITNESS: Right.

21

MR. NISSELSON: So you filed  
your return in October?

23

THE WITNESS: Yes.

24

MR. NISSELSON: You have no  
liability?

1

Vladimir Binkevich

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2

THE WITNESS: Yes, that's

3

why --

4

MR. NISSELSON: And you  
showed no liability?

5

THE WITNESS: Yes.

6

That's --

7

MR. NISSELSON: So

8

therefore --

9

Q. You don't owe money.

10

MR. NISSELSON: -- when you  
filed Chapter 7 you did not owe any  
money to the IRS, correct?

11

THE WITNESS: No. That's  
why I was so wondered because --

12

MR. NISSELSON: I was trying  
to straighten it out.

13

BY MS. BLUMENFELD:

14

Q. Again, your lawyer keeps saying I'm  
trying to trick you. I'm just trying to find  
out information here.

15

So my questions are just to try to  
find out some information because things are  
confusing to me in looking at your old case  
and your new case. So that's what I'm just

1

Vladimir Binkevich

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2

trying to figure out are answers to  
questions.

4

There are a lot of discrepancies,  
so I'm just trying to figure it out?

6

A. When I answer you, do I owe some  
money to IRS --

8

Q. But you answered it. I understand  
now.

10

So the answer is that in the prior  
case the IRS thought that you had owed money  
because you hadn't filed correctly and I  
guess they resolved it since this case or you  
thought that you didn't owe it --

15

MS. KACHAN: Not that he  
didn't file correctly. He didn't  
file yet.

18

A. It is not that I did not file it  
correctly. It is not correct definition. I  
file it based on the United States government  
for rules and laws. I have official  
extension until October and I pay everything,  
whatever -- this case is closed. I did not  
incorrectly pay my taxes. I paid correctly.

25

Q. That's fine. If you can look

1                             *Vladimir Binkevich*                     82

2                     please on Schedule F, E and F --

3                             MR. NISSELSON: Which case?

4                             MS. BLUMENFELD: This is on  
5                             the current case.

6                             Q.     Do you see the first one ACM MCC?

7                             A.     Yes.

8                             Q.     For \$162,161.99?

9                             A.     Yes.

10                          Q.     Can you please explain what that  
11                          money is owed for?

12                          A.     For business. All this money which  
13                          we get from this money when it was deposited  
14                          into the account.

15                          Q.     So then I'm going to ask you why  
16                          this amount was not listed on your prior  
17                          Chapter 11 case?

18                          A.     I think this maybe it was listed  
19                          under different name.

20                          Q.     That's what I'm trying to figure  
21                          out and ask because I did not see it in the  
22                          prior case.

23                          A.     Yes, Bizfi.

24                          Q.     This is Biz?

25                          MS. KACHAN: Bizfi 4.2,

1

Vladimir Binkevich

83

2

Page --

3

Q. So I'm going to ask you to turn to  
4.3 because Bizfi is listed at 387,000.  
There are two separate accounts.

6

So in the prior case, you only have  
Bizfi listed once?

8

A. Twice.

9

MS. KACHAN: Twice.

10

Q. Let me take a look and see.

11

I'm looking at the prior case.

12

You just named it something  
different?

14

MS. KACHAN: Bizfi.

15

Q. Okay, so that makes sense. 4.3 --  
if you look at 4.1 for 162,000 and we look at  
your prior case Bizfi for 163,000 it's about  
the same amount. But if you look at Bizfi in  
number 4.3 it says 387,000 and change, but  
4.3 on 2017 filing says \$223,000.

21

So can you explain the difference  
of \$163,000 between the two filings? Did you  
incur more debt from Bizfi since the last  
filing?

25

A. No. From last filing, no, we did

1                             *Vladimir Binkevich*

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2                             not have any borrow. No, we did not have.

3                             Q.     You didn't borrow money.

4                             You think it was just an error  
5                             in --

6                             A.     Yes.

7                             Q.     In the case, prior case, if you  
8                             want to look at the 2017 Chapter 11, you have  
9                             a debt there for New York Associates for  
10                            \$36,000?

11                          A.     Okay.

12                          Q.     And you don't have another current  
13                          case; why is that?

14                          A.     Because it was paid?

15                          Q.     What was the money owed for?

16                          A.     For the business. Each and every  
17                          -- let me, okay -- each and every money which  
18                          we borrow we got a check to the company, not  
19                          personal check. And since we have for the  
20                          company nobody else except -- no action was  
21                          allowed unless it will be deposited to the  
22                          company.

23                          Q.     So who paid the New York  
24                          Associates? You said it was paid. Who paid  
25                          it?

1                             *Vladimir Binkevich*                     85

2             A.     I don't remember.

3             Q.     Did you pay it personally?

4             A.     I don't remember.

5             Q.     Is it possibly that you paid it  
6 personally?

7             A.     I don't remember.

8             Q.     Are you able to provide that  
9 information to me?

10            A.     I will try.

11                         Hold on.

12                         I think for New York Associates it  
13 was -- they actually withdraw money from my  
14 account by marshal.

15            Q.     So marshal garnished your account?

16            A.     Yes.

17            Q.     Do you remember when?

18            A.     I don't.

19            Q.     The last bankruptcy that was filed  
20 was dismissed. That bankruptcy was  
21 dismissed.

22                         Do you remember when?

23            A.     No.

24            Q.     I'm going to double-check it, but I  
25 think it was about January.

1                             *Vladimir Binkevich*                     86

2                     A.     January of which year.

3                     Q.     January of 20 -- I'm going to  
4                             double-check it right now.

5                     A.     So this money is for New York  
6                             Associates --

7                     Q.     Between the filing of -- between  
8                             the dismissal of your Chapter 11 case and the  
9                             filing of your Chapter 7 case, they've  
10                           garnished your -- they froze your bank  
11                           account and took the money out?

12                    A.     First, there are a few parts of  
13                             your questions.

14                    Q.     It's just one question. It's just  
15                             one question.

16                    A.     But it has two parts. I don't  
17                             remember. Yes, they withdraw -- I don't know  
18                             which is correct word.

19                             MS. KACHAN: Garnish.

20                    A.     Garnish.

21                             Yes, they garnish money from my  
22                             account. They did not frozen my account.  
23                             One day I open my account and I saw that the  
24                             marshal took some money.

25                    Q.     So the marshal put a hold on your

1

Vladimir Binkevich

87

2

back account?

3

A. Listen. I don't know what you mean when you say hold. I just have seen that some big amount of money was withdrawn by marshal. That's it.

7

Q. Do you know how long before the filing this money was withdrawn? If it was within three months before the filing?

10

A. I don't remember.

11

Q. On the prior case, Chapter 11 case, you will see Sun Light Realty. It's \$153,000. That's a lease.

14

What is that a lease for?

15

A. For the warehouse.

16

Q. Warehouses.

17

Was that paid off?

18

A. Actually, those we disagreed with this amount completely because they increased this amount many times. But as far as I remember, partially, it was paid by the company, yes.

23

Q. It is not listed at all in your bankruptcy paperwork -- so on the current bankruptcy paperwork, on the Chapter 7

1                             *Vladimir Binkevich*                     88

2                             bankruptcy paperwork.

3                             So it seems as though you do not  
4                             owe the money right now?

5                             A.        Okay.

6                             Q.        So I'm asking you to your  
7                             understanding do you believe you still owe  
8                             them some funds?

9                             A.        Listen, we pay less than they  
10                            requested because they include some huge  
11                            lawyer's fee, they include some few months  
12                            they actually already listed out to the other  
13                            company. We did not agree with this amount.

14                            MS. KACHAN: I'm sorry,  
15                            Rachel, it's listed in Chapter 7  
16                            Bankruptcy 4.1 page 506.

17                            MS. BLUMENFELD: 4.1 is ACM  
18                            MCC which he said is the same as  
19                            Bizfi Funding.

20                            MS. KACHAN: In the exact  
21                            same amount.

22                            MS. BLUMENFELD: So I  
23                            withdraw that question.

24                            Q.        Who is Mark Kipnis?

25                            A.        My partner in food distribution

Vladimir Binkevich

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2 business.

3 Q. Which businesses is he a partner  
4 with you in?

5           A.     He has shares in all four business  
6       for distributions, business-related  
7       companies; Euro Import, Inc., Euro Import  
8       Distribution, Euro Star LLC and Euro Import  
9       Bel.

10 Q. Why is he listed in your Chapter 11  
11 case as a co-debtor and he is not listed in  
12 your current case as a co-debtor? If you  
13 look to Schedule H.

14                   A.     I think it's mistake. All those  
15 debts which is include the business he is  
16 also supposed to be listed.

17 Q. It seems as though according to  
18 your list in your prior case that has an  
19 association with Bizfi Fundings? .

20 A. Which association.

21 Q. I don't know. I'm asking you. He  
22 is listed on your prior case bankruptcy --

23                   A.     He supposed to be listed in each  
24     and every amount which we borrow for the  
25     business.

1

Vladimir Binkevich

90

2

MS. KACHAN: That's not what

3

she just asked you.

4

Q. My question is does Mark Kipnis, to  
the best of your knowledge, have anything to  
do with the Bizfi Fundings?

7

A. When you say have something to do,  
what do you mean? He's own the company.

9

Q. Yes.

10

A. He's own the Bizfi.

11

Q. Yes.

12

A. No, he doesn't at all.

13

Q. That's what I wanted to know  
because it was unclear here as to whether or  
not he had any ownership based on his being  
listed here as a co-debtor or not. So I was  
not sure of that.

18

19

And he lives in the same building  
as you?

20

A. Yes, he does.

21

22

Q. If we can turn to Schedule I,  
please.

23

A. (Witness complies.)

24

25

Q. You have an amount there on number  
one for \$1,303.31.

1 Vladimir Binkevich

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2 A. Uh-huh (affirmative).

3 Q. Is that for your mortgage or for  
4 the home equity --

5 A. Yes.

6 Q. That's for the mortgage, okay.

7 And then you have an amount on  
8 number 5 for \$3,991.05?

9 A. Okay.

10 Q. What is that for?

11 A. I think now it's bigger. This  
12 amount is bigger.

13 Q. You have on number 4C an expense of  
14 \$100 for home maintenance and repair?

15 A. Uh-huh (affirmative).

16 Q. What kind of repairs do you do a  
17 monthly basis in your home?

18 A. In my home?

19 Q. Yes.

20 A. A lot of them.

21 Q. Give me an example.

22 A. In my home some water leaks from  
23 the terrace, some tracks on the wall, some  
24 tracks on the doors, et cetera, et cetera.

25 Q. Is it more cosmetic or is it --

1

Vladimir Binkevich

92

2

A. No, it is not all cosmetic, but sometimes it's like -- when I am talking about water leak, it's not cosmetic.

5

Q. Does your wife pay for any of these home maintenance fees?

7

A. No.

8

Q. Does your wife pay for the mortgage?

10

A. We split our expenses and every month it depends on what we need.

12

Q. So the \$1,303.31, is that your obligation or is that the joint obligation?

14

A. There is another two parts of the question. First is it obligation or second who is paying, correct.

17

Q. No. Is it a joint mortgage payment?

19

A. It's our obligation.

20

Q. Is the total amount of your monthly bill \$1,303.31?

22

A. (No verbal response.)

23

Q. You're nodding, but does that mean yes?

25

A. Who is paying or --

1                             *Vladimir Binkovich*

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2                     Q.     What is your total mortgage payment  
3                             every month?

4                     A.     \$1,303.31.

5                     Q.     Who pays for that?

6                     A.     It depends. Every month it depends  
7                             on our agreement because we share our -- we  
8                             split, not share, not share. We split our  
9                             expenses. And each and every month we  
10                            briefly discuss who is paying what. Because  
11                            right now the credit line is bigger and we  
12                            all the time split our expenses.

13                    Q.     What does it depend on? Who pays  
14                             it?

15                    A.     It depends on our agreement each  
16                             and every month.

17                    Q.     What is your agreement based on?

18                    A.     It's our internal family situation.  
19                           I would like to not to answer this question.

20                    Q.     You don't have a choice. You have  
21                             to answer the question.

22                           MS. KACHAN: I don't think  
23                             that you understand the question  
24                             and I don't think she said it  
25                             clearly.

1

Vladimir Binkevich

94

2

She's just asking you how  
you determine -- you're saying  
split.

5

Are you paying evenly or  
does one person pays one thing and  
another person pays another thing?  
Is the amount equal or not.

9

MS. BLUMENFELD: That's not  
what I'm asking.

11

Q. When I asked what the mortgage is  
you said that the total amount of the  
mortgage payment is about \$1,303.

14

A. And I also said --

15

Q. You also said that it depends on  
who pays it and it's an agreement that you  
and your wife have every month that you said  
who is going to pay the amount, if you're  
going to split it or who is going to pay for  
the obligation.

21

A. One month she pays, one month I  
pay.

23

Q. So the answer is -- am I correct in  
asking -- that the answer is you pay for the  
mortgage every other month?

1

Vladimir Binkevich

95

2

A. No. I might pay two months  
consecutively and then she will pay two  
months consecutively.

5

Q. So whatever the agreement is -- my  
question is are you splitting it so that --

7

A. Yes, we are splitting our mortgage  
payment as well as we are splitting our  
credit line.

10

Q. So she pays for half the credit  
line as well?

12

A. I did not say so. I said --

13

Q. I'm asking.

14

A. I said each and every month we have  
separate agreement.

16

Q. So is it correct that there are  
some months that you pay the \$3,991 and some  
months she pays the \$3,991?

19

A. Yes, correct.

20

Q. How long has this agreement been --  
have you had this agreement with your wife?

22

A. It's not official agreement.

23

Q. I understand. I understand.

24

Even if it's unofficial, how long  
have you had this agreement?

1

Vladimir Binkevich

96

2

A. I think from 2016.

3

Q. Does that also -- is that also true  
for the home maintenance? Do you split that  
amount?

6

A. No. This is small amount.

7

Sometimes it's \$96, sometimes it's \$105. No,  
I don't split it.

9

Q. Is insurance -- insurance is

10 included in the mortgage payment?

11

A. Yes.

12

Q. Do you have homeowners insurance?

13

A. Yes.

14

Q. What does that policy say you are  
insuring aside from the regular home? Is  
there anything else, any riders or anything  
else for jewelry or anything else --

18

A. No, no, no, no. No jewelry and no  
furniture and no nothing, just regular  
homeowner agreement.

21

Q. If you could please look at your  
prior bankruptcy filing, the Chapter 11 case,  
if you could look at your expenses there?  
You have a number 19, you have family support  
for \$2,000.

1

Vladimir Binkevich

97

2

Can you please tell me who you are  
supporting?

4

A. My grandkids, my kids.

5

Q. When did that support stop?

6

A. Listen, I am supporting -- when it  
stopped.

8

Q. Yes. Are you still supporting  
them?

10

A. I don't remember when I stopped  
supporting them.

12

Q. Do you still give them support?

13

A. If you mean I give \$20 to my  
grandkids for ice cream, yes, I still support  
them.

16

Q. I don't consider that support, if  
you give \$20 for your grandkids. Your  
grandkids come to visit, I would expect that  
you would buy them some ice cream. That's  
not my question.

21

A. Exactly when it stopped, I am not  
able to reply.

23

Q. I understand. That's fine.

24

Can you please take a minute on  
your current Chapter 7 filing and look at

1

Vladimir Binkevich

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2

your expenses on the second page and can you  
3 please confirm that all of those expenses are  
4 still accurate?

5

A. (Witness peruses.)

6

Yes, I think yes. Maybe vehicle  
7 expenses, insurance might be a little bit  
8 more. Maybe it's 185. I don't remember.

9

Q. Also, if you -- maybe it's  
10 something that I missed, but I also see on  
11 your prior filing you had a Chase account for  
12 46,000, if we could look back at that. I do  
13 not see that that was listed on this filing.  
14 I'm going to double-check that.

15

A. Because it was closed.

16

Q. But it doesn't mean that you don't  
17 owe the obligation.

18

Do you not owe that obligation  
19 anymore to Chase for 46,000? It's account  
20 ending in 6907. Actually, I do see it here  
21 but you have a different amount. So the  
22 amount in the last time was \$46,957 --

23

A. Hold on.

24

Is it personal?

25

Q. It's a lease. It's a lease. The

1

Vladimir Binkevich

99

2

lease now on Schedule F, on the current  
3 filing under 4.6, it's listed \$35,267.

4

A. (Witness peruses.)

5

MS. KACHAN: You have to  
6 specify.

7

MS. BLUMENFELD: Yes, no  
8 problem.

9

Q. In the prior filing --

10

11

12

MS. KACHAN: You're talking  
about Schedule F debt or are  
talking about --

13

14

15

16

MS. BLUMENFELD: Schedule F.

It's on Schedule F, 4.6 in the  
current case, \$35,267. And it's  
4.4 in the prior case.

17

18

19

20

A. This is a lease for the car which  
was used for business by Mark Kipnis. I have  
my own car. And I think it was from 2017 to  
2019. It was decreased.

21

22

23

24

Q. I'm going to turn back to another  
question afterwards, but right now I'm going  
to turn it over to Allen to ask some  
questions.

25

Okay?

1                             *Vladimir Binkevich*                     100

2                     A.        Yes.

3                             MS. BLUMENFELD: Thank you  
4                             for your time.

5                             EXAMINATION BY

6                     MR. NISSELSON:

7                     Q.        I just have some questions about  
8                             the businesses because they all have similar  
9                             names and I'm confused a little bit on what  
10                          did what.

11                          I know you answered it, but --

12                     A.        I'm gladly --

13                     Q.        -- who ran the business?

14                     A.        My partner.

15                     Q.        Mr. Kipnis?

16                     A.        Mr. Kipnis.

17                     Q.        So Mr. Kipnis ran the business?

18                     A.        Yes, I was the passive partner. If  
19                          you look at each and every statement which I  
20                          provided to you there is no one check which  
21                          was signed by me.

22                     Q.        He signed all the checks?

23                     A.        Yes.

24                     Q.        How regularly did you discuss the  
25                          businesses with Mr. Kipnis?

1

Vladimir Binkevich

101

2

A. Once a week, probably.

3

Q. Did he provide to you financial statements?

5

A. I did not ask for it.

6

Q. At the end of the year, did you get any financial statements from any of the businesses?

9

A. Actually, no.

10

11

Q. Let me see if I understand what you testified before --

12

A. About four companies.

13

Q. About the companies, generally.

14

So you want to get out the list?

15

16

A. First Euro Import, Inc. It was the first entity which was created and filed. And this company mostly buy the food distribution which we deal with. We are buying food from former Soviet Union and bringing here.

21

22

23

24

25

So the Euro Import, Inc. most likely was buying foods from abroad, having some exclusive distributions agreement and paying for those goods. Then Euro Import Distributions --

1

Vladimir Binkevich

102

2

Q. Before we get to that.

3

So Inc. Exclusive distribution

4

agreements, were those with retail stores?

5

How were they distributed?

6

A. I am talking about -- Euro Import,  
Inc. Was have exclusive distribution rights  
for some food producer.

9

Q. Once the food was imported, what  
did Inc. Do with it?

11

A. Moved to the Euro Import  
Distributions company.

13

Q. So it transferred that food that  
was imported to another company?

15

A. Yes.

16

Listen, all four offices, all four  
offices -- one warehouse and one office.

18

Officially, we split it for taxes  
purpose as we were suggested. Euro Import  
brought some food and stuck it in the  
warehouse. And Euro Import Distributions  
distributed to the store in New York.

23

Q. Is it correct to say that these  
four companies -- it's Euro Star, Euro  
Import Distributions, Euro Import, Inc. and

1

Vladimir Binkevich

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2

Euro Import Bel were run really as one  
3 company?

4

A. Yes, that's correct.

5

Q. And if I recall your testimony  
6 previously at least with -- some of the  
7 companies were set up separately because your  
8 sources in either the Ukraine or the former  
9 USSR or Russia required you to set up a  
10 separate company?

11

A. Yes.

12

Q. Did these companies, to your  
13 knowledge, have separate books or they all  
14 kept one set of books?

15

A. Each and every company has its own  
16 account in the bank. But about books, I  
17 don't know.

18

Q. Who would know?

19

A. I don't think so that we have  
20 separate books for list of buying and list of  
21 selling. We did not have this such entity.  
22 We did not.

23

Q. Mr. Kipnis would know the answer to  
24 that question if I asked him?

25

A. Yes.

1                             *Vladimir Binkevich*

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2                     Q.     Mr. Kipnis filed his own bankruptcy  
3                         case, if you're aware?

4                             MS. KACHAN: Chapter 11.

5                     A.     Chapter 11.

6                             MR. NISSELSON: Are you  
7                         handling that Alla?

8                             MS. KACHAN: Yes.

9                     Q.     Is Mr. Kipnis still employed to  
10                         your knowledge?

11                     A.     Employed to where?

12                     Q.     Anywhere.

13                     A.     I don't know.

14                     Q.     You don't know?

15                     A.     Yes, I don't know.

16                     Q.     Whose decision was it to invest in  
17                         Euro Line?

18                     A.     He propose it to me and I --

19                     Q.     Mr. Kipnis?

20                     A.     Mr. Kipnis was propose it because  
21                         -- and he convinced me to do this because we  
22                         think we can increase our sales.

23                     Q.     And why was that?

24                     A.     Because Euro Line -- I mean Net  
25                         Cost Market, street name, has around nine

1                             *Vladimir Binkevich*                     105  
2         huge supermarkets in Brooklyn and  
3         Pennsylvania --

4                             MS. KACHAN: Staten Island.

5         A. Yes, and in Staten Island also.

6         Q. You said that, I think you said  
7         that Euro Line, excuse me, Euro Star is about  
8         a 30 percent investor in Euro Line?

9         A. Correct.

10        Q. Do you know -- when the initial  
11        investment of Euro Star was made into Euro  
12        Line, what was the value of that investment?

13        A. I do not remember. We actually  
14        gave inventory to them.

15                             MS. KACHAN: Inventory.

16        A. Inventory.

17        Q. Did you give any cash?

18        A. No.

19        Q. So the 30 percent is evaluation  
20        agreed to by Euro Star and Euro Line equal to  
21        whatever inventory there was --

22        A. Not all inventory.

23        Q. -- and whatever the value was of  
24        Euro Line at the time?

25        A. Yes. We also transferred to them,

1

Vladimir Binkevich

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2

since we have few distribution -- I mean how  
3 to say it. Hold on a second. We have  
4 exclusive right to sell some like, for Russia  
5 -- we have exclusive right to sell product  
6 from three or four companies.

7

8

9

10

11

12

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19

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21

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25

For Russia we had distributor  
agreement to provide mineral water, root  
beer, some preserves, et cetera. It's very  
important because it's very valuable entity  
to have this, this kind of -- because we have  
distribution, exclusive distribution  
agreement for the product which is popular in  
Russian market which we usually recognize.

Q. So let me see if I can put it in my  
words and you tell me if it's correct or not.

A. Yes.

Q. So in addition to the inventory

that was transferred to Euro Line there were  
exclusive distribution agreements that were  
in the name of Euro Star that were  
transferred to Euro Line too?

A. Not only to Euro Star but to all --  
in most cases, we have some -- and for Euro  
Import. Officially, yes. Let's say it this

1                             *Vladimir Binkevich*

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2         way. Yes, you understand it correctly. All  
3         exclusive distribution agreement was  
4         transferred to Euro Line and this is very,  
5         very, valuable entity.

6         Q. Now, Euro Line is still operating,  
7         correct?

8         A. Correct.

9         Q. Is it a profitable company?

10        A. Listen, when I based on your  
11        agreement ask them for the documents, they  
12        rejected it and I talked with my lawyer about  
13        it and then she said --

14                             MS. KACHAN: Based on his  
15                             request.

16                             MR. NISSELSON: I am going  
17                             to speak to the lawyers, so we'll  
18                             see.

19         Q. So you do not have any documents  
20         which indicate the value of Euro Line today?

21         A. No.

22         Q. If I can just try to summarize  
23         everything, whatever Euro Line is worth, your  
24         interest, your personal interest in Euro Line  
25         would be 35 percent of the 30 percent?

1

Vladimir Binkevich

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MS. KACHAN: No.

3

A. No. First of all it's -- for Euro  
Star I asked to make amendment. I think I  
have 27 percent of 30 percent.

6

Q. Let's say approximately 30 percent?

7

A. Yes, yes.

8

Q. If you add them all up. So you  
would have 30 percent of the 30 percent?

10

A. I have 27 percent of 30 percent,

one-third.

12

Q. In one of the companies that was  
under the Euro, except for Euro Line, you had  
35 percent.

15

So for three of them you had 35  
percent and Euro Star you had 27 percent?

17

A. Correct.

18

Q. So if you averaged them all up it's  
around 30 percent?

20

A. Okay, fine. Approximately, yes.

21

Q. So it's about -- unless you're  
going to tell me each one is worth X amount,  
which I don't think you have been able to  
tell me that?

25

A. No, no, no.

1

Vladimir Binkevich

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Q. So it's 30 percent of 30 percent,  
rough-rough.

4

A. Rough.

5

Q. Did you formally make any request  
for financial information of Euro Line?

7

A. Since I received e-mail from your  
office, I forwarded it to financial director,  
I got a reply and I forwarded those replies  
to my lawyer.

11

MR. NISSELSON: Can you

12 forward those to me, Ms. Kachan?

13

MS. KACHAN: Yes.

14

Q. If you had to estimate, I don't  
want to say guess, that your 30,  
approximately 30 percent of the Euro  
companies has some value; is that correct?  
And Euro Line? It's worth something?

19

A. It has some value, but there is no  
those four companies anymore. The only  
existing right now, Euro Line. It has, let's  
say -- I have some value in Euro Line through  
the Euro Star, through the --

24

Q. Do you have any paperwork which  
indicates the Euro companies' interest in

1

Vladimir Binkevich

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2

Euro Line? Were there stock certificates  
3 issued?

4

A. I think we do have, but I am not  
5 sure that I have the -- actually I was going  
6 to ask Euro Line to provide this document,  
7 but they did not going into, but probably  
8 they would not reject your question.

9

Q. To your knowledge, do you have  
10 those documents?

11

A. Let me say very carefully, I was  
12 ready for this question, I tried to find it  
13 and I was not able.

14

Q. Would Mr. Kipnis have it?

15

A. For some reason we -- I will ask  
16 him.

17

MR. NISSELSION: You  
18 represent him, Alla, so maybe you  
19 can ask him as well.

20

MS. KACHAN: Yes.

21

MR. NISSELSION: Because as  
22 you know I am --

23

MS. KACHAN: You're looking  
24 for the certificates for whatever --

25

MR. NISSELSION: I want to

1                             *Vladimir Binkevich*                     111

2                             try to figure out with counsel for  
3                             Euro Line, one, does it have a  
4                             positive value and two, what  
5                             Mr. Binkevich's interest is worth.

6                     A.     I think 2017 it was Zero because --  
7                     for 2017 I got from them K-1.

8                     Q.     You did get a K-1?

9                     A.     One year, yes.

10                  Q.     Do you still have that?

11                  A.     I hope so, yes.

12                  Q.     Can you see if you can find it?

13                  A.     For this one I probably will find.

14                  Q.     2018 you did not get?

15                  A.     No.

16                  Q.     Did Mr. Kipnis have an active role  
17                  in Euro Line?

18                  A.     Yes, he had.

19                  Q.     Was he the Chief Executive Officer  
20                  of Euro Line?

21                  A.     Yes.

22                  Q.     For how long?

23                  A.     I think for more than one year.

24                  Q.     And he's no longer the Chief  
25                  Executive Officer?



1                             *Vladimir Binkevich*

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2                             even though you borrowed for the business,  
3                             that you personally owe money to Edward  
4                             Gorbakovsky and Gary Gorbakovsky?

5                             A.     No.

6                             Q.     Why are you saying no?

7                             A.     Because it was explicit request  
8                             from Victor Gubenko that he wants me to be a  
9                             personal guarantee, guarantor.

10                            Q.     Are you saying that you do not know  
11                             owe personally to Edward Gorbakovsky and Gary  
12                             Gorbakovsky?

13                            A.     No. Personally not. Promissory  
14                             note I think is different.

15                            MS. BLUMENFELD: Let's take  
16                             a few.

17                            (Whereupon, a recess was  
18                             taken at this time.)

19                            MS. BLUMENFELD: Mark this,  
20                             please.

21                            (Promissory Note was marked  
22                             as Exhibit 5, for  
23                             identification, as of this  
24                             date.)

25                            Q.     Take a look there.

1 Vladimir Binkevich 114

2 A. (Witness peruses.)

3 Q. Who signed it?

4               A.     I, as the representative, for Euro  
5 Import, Inc.

6 Q. Does the Promissory Note say on the  
7 signature line anything about -- and you said  
8 which one, Euro Import, Inc. -- does it  
9 saying anything about, in the signature  
10 block, anything about Euro Import, Inc.?

11                   A.     In the signature, no, but in the  
12                   text, yes.

13 Q. So I'm just asking the signature  
14 block does not say anything about Euro  
15 Import, Inc.; is that correct?

16                   A.     That is correct.   But the body of  
17     the agreement has Euro Import, Inc.

18 Q. I do see that and I do know that.  
19 I don't think that this Promissory Note was  
20 actually written very well. But I just  
21 wanted to confirm that and just put that into  
22 evidence.

23 Just one other question: Do you  
24 usually get tax refunds? Do you receive tax  
25 refunds from the government?

1

Vladimir Binkevich

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2

A. Last year I did.

3

Q. How much did you get last year?

4

5

A. This, I don't remember. I have to look. But usually I don't.

6

7

Listen, for how long do you want me to provide this information?

8

Q. The last year.

9

10 A. Last year is not ready because I did not get anything for 2018. Because I had 11 extension, I did not get anything.

12

13

Q. Do you remember how much you got for 2018?

14

15

A. I just said, since I have extension, I did not get anything.

16

17

Q. But in prior years, do you remember about how much you received in tax refunds?

18

19

20

21

A. I don't remember, but this document was in the list of requirements from trustee. And 2017 tax return was sent to trustee based on his request.

22

23

MS. BLUMENFELD: Mark this,

please.

24

25

(Operating Report was marked

as Exhibit 6, for

1

Vladimir Binkevich

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2

identification, as of this  
date.)

4

Q. This is your last filed operating  
report.

6

A. Operating report.

7

Q. Yes, in your Chapter 11 case.

8

A. Okay.

9

Q. If you look at it on the third

10 page, top, second line, it says tax refund.

11

How much does it say that you  
12 received for the tax refund?

13

A. 27,000.

14

Q. Is that correct?

15

A. As I said, I don't remember. If  
16 you want exactly, I have to pick up my income  
17 tax or you can see it in my tax return which  
18 trustee will send to you.

19

Q. I'm assuming that because you filed  
this with the court, that this is correct,  
21 that you received this?

22

A. I assume also.

23

Q. Because you were working at the  
same job, do you think that you will be  
25 receiving the same tax refund this year?

1

Vladimir Binkevich

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2

MS. KACHAN: Objection.

3

MS. BLUMENFELD: I'm asking

4

him his opinion --

5

A. I don't know.

6

Q. Did you take the same deductions

7 last year as you did for this year?

8

A. Listen, I am not very familiar with  
9 all this deduction, et cetera, et cetera. I  
10 forward down to my accountant and I cannot  
11 answer this question.

12

Q. Has anything changed in your income  
13 from the receipt of this tax refund for that  
14 year to the current year?

15

A. Salary was changed.

16

Q. Salary was increased or decreased?

17

A. First of all, listen, in 2018 -- I  
18 mean -- oh my God -- I'm not ready to this  
19 question and when I will receive I will  
20 inform you about it how much I receive for  
21 2018. For 2017, you can get information.

22

Q. Whatever you provide to the  
23 trustee, you are in agreement that he can  
24 provide a copy to me if I ask for it?

25

A. Yes, we already discussed it.

1                             *Vladimir Binkevich*                     118

2                     Q.     I just want to make sure that for  
3                         any future documents that it's the same and  
4                         that he'll share same with me; is that  
5                         correct?

6                     A.     Yes.

7                             MS. BLUMENFELD: Thank you  
8                         so much.

9                             That's all I have.

10                             -oo-

11                             (Whereupon, the examination  
12                         of VLADIMIR BINKEVICH was concluded  
13                         at 1:04 p.m.)

14

15

16

17

VLADIMIR BINKEVICH

18

19

Subscribed and sworn to  
20                         before me this \_\_\_\_\_ day  
21                         of \_\_\_\_\_, 2019.

22

23

24

25

\_\_\_\_\_  
NOTARY PUBLIC